

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HIGH-EFFICIENCY LOW-POLARIZATION-DEPENDENT-LOSS LAMELLAR DIFFRACTION-GRATING PROFILE AND PRODUCTION PROCESS** the specification of which is attached hereto.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under<br>35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
|         |                 |                |                                      |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

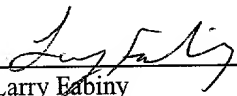
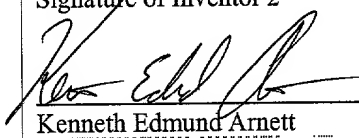
| Application No. | Filing Date |
|-----------------|-------------|
|                 |             |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|--------|
|                 |                |        |

|                             |  |   |   |                              |
|-----------------------------|--|---|---|------------------------------|
| Full Name of<br>Inventor 1: | Last Name:<br><b>FABINY</b>                      | First Name:<br><b>LARRY</b>               | Middle Name or Initial:                         |                              |
| Residence &<br>Citizenship: | City:<br><b>Boulder</b>                          | State/Foreign Country:<br><b>Colorado</b> | Country of Citizenship:<br><b>United States</b> |                              |
| Post Office<br>Address:     | Post Office Address:<br><b>3849 Orion Court</b>  | City:<br><b>Boulder</b>                   | State/Country:<br><b>Colorado</b>               | Postal Code:<br><b>80304</b> |
| Full Name of<br>Inventor 2: | Last Name:<br><b>ARNETT</b>                      | First Name:<br><b>KENNETH</b>             | Middle Name or Initial:<br><b>Edmund</b>        |                              |
| Residence &<br>Citizenship: | City:<br><b>Boulder</b>                          | State/Foreign Country:<br><b>Colorado</b> | Country of Citizenship:<br><b>United States</b> |                              |
| Post Office<br>Address:     | Post Office Address:<br><b>435 South 44th St</b> | City:<br><b>Boulder</b>                   | State/Country:<br><b>Colorado</b>               | Postal Code:<br><b>80305</b> |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |   |
|---|---|
| Signature of Inventor 1<br><br>Larry Eabiny<br>Date 11-1-01 | Signature of Inventor 2<br><br>Kenneth Edmund Arnett<br>Date 11-9-01 |
|---|---|

DE 7054073 v1

019930-005600US

Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |                               |  |
|--|-------------------------------|--|
| <b>POWER OF ATTORNEY OR<br/>AUTHORIZATION OF AGENT</b> | <b>Application Number</b>     | Not Yet Assigned   |
|  | <b>Filing Date</b>            | Not Yet Assigned   |
|  | <b>First Named Inventor</b>   | Fabiny, Larry  |
|  | <b>Title</b>                  | HIGH-EFFICIENCY LOW-<br>POLARIZATION-DEPENDENT-<br>LOSS LAMELLAR DIFFRACTION-<br>GRATING PROFILE AND<br>PRODUCTION PROCESS |
|  | <b>Group Art Unit</b>         | Not Yet Assigned   |
|  | <b>Examiner Name</b>          | Not Yet Assigned   |
|  | <b>Attorney Docket Number</b> | 19930-005600US   |

I hereby appoint:

☒ Practitioners at Customer Number  
**OR**

20350

Place Customer  
Number Bar Code  
Label here

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |
|      |                     |
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

**OR**

☐ Practitioners at Customer Number

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name

Steven Georgis, President  
Network Photonics, Inc.

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one form is submitted.



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Larry Fabiny, et al.

Application No./Patent No.: Not Yet Assigned

Filed/Issue Date: Not Yet Assigned

Entitled: HIGH-EFFICIENCY LOS-POLARIZATION-DEPENDENT-LOSS LAMELLAR DIFFRACTION-GRATING  
PROFILE AND PRODUCTION PROCESS

Network Photonics, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment will be recorded in the Patent and Trademark Office for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To : \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To : \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/2/01  
Date

  
Signature

Steven Georgis  
Typed or printed name

President  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DE 7054079 v1